

JAN 21 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Simon J. Porter	Group Art Unit:	1722
Serial No.:	10/091,152	Examiner:	M. Patterson
Filed:	March 2, 2002		
For:	LAMINATION FOR SPECIALTY MEAT PACKAGING		
File No.:	H0003706 (4760)		

January 21, 2005

VIA FACSIMILE 703-872-9306Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO COMMUNICATION RE INTERVIEW SUMMARY

This is in response to the communication dated January 7, 2005 in the subject application. The communication attached an Interview Summary sheet (PTOL-413) which concerned a telephone interview held with Examiner Patterson on July 2, 2004.

The Interview Summary sheet states in the last paragraph thereof that the formal written reply to the last Office Action must include the substance of the interview. It further states that if a reply to the last Office Action has already been filed, one month is given from the later of the interview date or the mailing of the interview summary form to file a statement of substance of the interview.

In response to such requirement, it is respectfully pointed out that a statement of the substance of the interview held on July 2, 2004 was submitted with the Amendment After Final Rejection dated July 7, 2004. Such Amendment was not entered and a RCE was thereafter filed. Subsequently, the present application was allowed and the issue fee has been paid.

It is respectfully submitted that the discussion appearing at pages 5 and 6 of the Amendment dated July 7, 2004 is indeed a sufficient statement of the substance of the interview in accordance with MPEP Section 713.04.

However, for completeness the undersigned repeats herein the discussion of the interview that was included in the referenced Amendment.

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Reply to Communication Dated January 7, 2005

The undersigned acknowledges with appreciation the telephone interview held on July 2, 2004 with Examiner Patterson. Examiner Patterson is thanked for the interview and for the courtesies extended to the undersigned. During the interview the rejections over newly cited U.S.P. 6,210,764 to Hayes were discussed.

The undersigned pointed out that Applicant did not agree with the interpretation set forth in the Final Rejection that Hayes shows the multilayer structure as claimed herein. Specifically, it was pointed out that the improvement of Hayes is the provision of a multilayer film structure in which the antiblock particles are present in an internal film layer as opposed to an external film layer. In contrast, antiblock particles are not required in Applicant's invention.

The antiblock particles of Hayes are preferably silica-based (see column 7, line 62 to column 8, line 21), although organic materials are also disclosed. Among the organic materials are "polyester, EVOH (ethylene/vinyl alcohol copolymer), nylon 6, nylon 6,6, syndiotactic polystyrene, engineering resins, liquid crystalline polymers, and aromatic nylons", as disclosed at column 8, lines 24 to 27 of the reference.

It was submitted that the antiblock particles did not form a film layer, so that even if one skilled in the art would be led to use nylon antiblock particles this would not result in a layer of nylon film as claimed. Moreover, there is no teaching in Hayes of the type of film structure claimed in claim 29 wherein there are several layers of nylon as well as a layer of EVOH. It was submitted that one skilled in the art would not be led by the disclosure of Hayes (a) to select the type of organic material as the antiblock agent, (b) to select the specific layer configuration that is claimed and (c) to provide layers of nylon and EVOH rather than particles.

However, in order to advance the prosecution it was suggested that claim 29 be amended to refer to the various layers as consisting essentially of nylon or EVOH as the case may be. By the Amendment dated July 7, 2004 independent claim 29 was accordingly amended. Examiner Patterson stated that he would give favorable consideration to such an amendment to the claim.

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Applicant respectfully submits that the foregoing is a complete response to the requirement set forth in the communication dated January 7, 2005. However, if there are any questions about this response or its sufficiency, the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,
Simon J. Porter

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It is hereby certified that this correspondence was sent by facsimile to fax number 703-872-9306 on January 21, 2005 and addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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January 21, 2005